

IN THE DISTRICT COURT OF GUAM  
TERRITORY OF GUAM  
MAGISTRATE CRIMINAL MINUTES  
BENCH TRIAL

FILED  
DISTRICT COURT OF GUAM

JUN 22 2005

MARY L.M. MORAN  
CLERK OF COURT

CASE NO. MG-05-00007

DATE: 06/22/2005

TIME: 9:31 a.m.

HON. JOAQUIN V.E. MANIBUSAN, JR., Magistrate Judge

Court Reporter: Wanda Miles

Hearing Electronically Recorded: 9:31:59 - 9:38:02

9:42:30 - 10:16:46; 10:37:31 - 11:06:31

Closing: 11:22:13 - 12:01:57; 1:29:29 - 2:33:14

Law Clerk: Judith Hattori

Courtroom Deputy: Virginia T. Kilgore

CSO: B. Pereda / J. Lizama

(36)

\*\*\*\*\* APPEARANCES \*\*\*\*\*

DEFT: HAROLD J. CRUZ

(X) PRESENT ( ) CUSTODY (X) BOND ( ) P.R.

ATTY : KIM SAVO

(X) PRESENT ( ) RETAINED (X) FPD ( ) CJA APPOINTED

DEFT: ERNEST Q. MUNA

(X) PRESENT ( ) CUSTODY (X) BOND ( ) P.R.

ATTY : MARK SMITH

(X) PRESENT ( ) RETAINED ( ) FPD (X) CJA APPOINTED

U.S. ATTORNEY: JOSEPH TOCK

AGENT: JUSTIN OLIVER, CO-COUNSEL

U.S. PROBATION:

U.S. MARSHAL:

DAY NO. 2 OF TRIAL

( ) JURY TRIAL

(X) COURT TRIAL

( ) JURY EMPIANELED AND SWORN

( ) OPENING STATEMENT BY THE Plaintiff Defense

(X) WITNESSES SWORN AND EXAMINED ( X ) EXHIBITS MARKED AND ADMITTED

SEE ATTACHED EXHIBIT AND WITNESS LIST, AO FORM 187 (and 187A, when applicable)

(X) CLOSING ARGUMENT BY THE X Plaintiff (Mr. Tock)

(X) CLOSING ARGUMENTS BY THE X Defense

( ) TRIAL CONTINUED TO: \_\_\_\_\_ at \_\_\_\_\_

( ) JURY CHARGED BY COURT

( ) JURY DELIBERATE AT \_\_\_\_\_ ( ) JURY RETURNS VERDICT AT: \_\_\_\_\_

( ) JURY VERDICT: \_\_\_\_\_

( ) JURY POLLED ( ) POLLING WAIVED ( ) JURY DISCHARGED

( ) COURT FINDINGS: \_\_\_\_\_

( ) OTHER MATTER(s): \_\_\_\_\_

NOTES: Mr. Smith called Defendant Ernest Q. Muna as a witness. The Court advised Mr. Muna that he may invoke his Fifth Amendment right against self-incrimination.

Court will issue a written ruling.

COURTROOM DEPUTY: JK  
L:\Docs\COURTROOM MINUTES\MG CRIMINAL MINUTES\MG-05-00007-Day 2.wpd

# UNITED STATES DISTRICT COURT

DISTRICT OF

GUAM

UNITED STATES OF AMERICA

## EXHIBIT AND WITNESS LIST

V.  
HAROLD J. CRUZ ND ERNEST Q. MUNA

Case Number: MG-05-00007

PRESIDING JUDGE <b>JOAQUIN V.E. MANIBUSAN, JR.</b>						PLAINTIFF'S ATTORNEY <b>JOSEPH TOCK / JUSTIN OLIVER</b>	DEFENDANT'S ATTORNEY <b>KIM SAVO / MARK SMITH</b>
HEARING DATE (S) <b>JUNE 22, 2005</b>						COURT REPORTER <b>WANDA MILES</b>	COURTROOM DEPUTY <b>VIRGINIA T. KILGORE</b>
JOINT NO.	PLTF NO.	DEF. NO.	DATE OFFERED	DATE IDENTIFIED	DATE ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES	
						<b>Mr. Smith calls Mr. Ernest Q. Muna as a witness (9:35:32)</b>	
29		6/22/05	6/22/05	6/21/05		Map of Northwest Field showing Points	
						Side Bar (9:38:02 - 9:42:22)	
	4	6/22/05	6/22/05	6/22/05		Cocunut trap 1	
	5	6/22/05	6/22/05	6/22/05		Coconut trap 2	
	6	6/22/05	6/22/05	6/22/05		Coconut Crab contained in bucket	
						<b>Exhibits 4, 5 and 6 Admitted.</b>	
29		6/22/05	6/22/05	6/21/05		Map of Northwest Field showing Points	
14		6/22/05	6/22/05	6/21/05		Photograph Rt 3a- w/outcropping on left and sign holder by truck	
28		6/22/05	6/22/05	6/21/05		Map of Northwest Field showing Route 3 and 3A	
29		6/22/05	6/22/05	6/21/05		Map of Northwest Field showing Points	
23		6/22/05	6/22/05	6/21/05		Muna's Black flashlight	
24		6/22/05	6/22/05	6/21/05		Muna's 12 Gauge Shotgun - Shown to the witness	
14		6/22/05	6/22/05	6/21/05		Photograph Rt 3a- w/outcropping on left and sign holder by truck	
1		6/22/05	6/22/05	6/21/05		Photograph Rt 3 - Gov Property sign close-up	
12		6/22/05	6/22/05	6/21/05		Photograph Rt 3a-w/Property sign on road past wildlife refuge	
						End of DX	
						<b>Cx by Ms. Savo (10:03:56)</b>	
						End of Cx (10:05:09)	
						<b>Cx by Mr. Tock (10:05:11)</b>	
4		6/22/05		6/21/05		Photograph Rt 3-3a intersection- w/Gov Property sign	
3		6/22/05	6/22/05	6/21/05		Photograph Rt 3 - w/Gov Property Sign Rt.	
13		6/22/05	6/22/05	6/21/05		Photograph Rt 3a- w/Gov Property sign past wildlife refuge	
9		6/22/05	6/22/05	6/21/05		Photograph Rt 3a - w/Gov Property sign on left side of road	
29		6/22/05	6/22/05	6/21/05		Map of Northwest Field showing Points	
						Witness excused (10:15:48)	
						Defense Rests	
						<b>Stipulation by parties that there was not a full moon on the night in question.</b>	
						Defense counsel for Mr. Cruz Rests	

